



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/720,048	12/19/2000	Achim Storz	PD980044	6809

7590

12/21/2004

Joseph S Tripoli
Thomson Multimedia Licensing Inc CN 5312
Princeton, NJ 08543-0028

EXAMINER

DEMICO, MATTHEW R

ART UNIT	PAPER NUMBER
----------	--------------

2611

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/720,048

Applicant(s)

STORZ ET AL.

Examiner

Matthew R Demicco

Art Unit

2611

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 October 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Attached Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: _____

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____



CHRIS GRANT
PRIMARY EXAMINER

DETAILED ACTION

Response to Amendment

1. This action is responsive to an after final amendment filed 12/21/2004. Claims 1-5 and 7-11 are pending. Claim 6 is cancelled.

Response to Arguments

2. Applicant's arguments filed with respect to Claim 1 have been fully considered but they are not persuasive. Regarding Claim 1, Applicant argues that Stinebruner does not describe detecting a channel identifying information within a TV signal transferred from a satellite receiver, determining the channel on a selected program place of the satellite receiver from the channel identifying information or storing an information assigning the determined channel to that selected program place of the satellite receiver. Stinebruner teaches automatically programming available satellite and local channels (Col. 11, Lines 21-32) wherein channel information is encoded within a video stream over a satellite signal (Col. 11, Lines 57-61), retrieved by the system from the embedded information on the satellite signal (Col. 12, Lines 14-18) and stored (Col. 12, Lines 18-20) in a channel map (See Figure 2). Stinebruner clearly teaches detecting channel information within a TV signal from the satellite source, determining what channel information was embedded and storing that channel information in a table assigning the determined channel to a selected program place.

3. Regarding Applicant's argument that the claimed invention allows the use of program places of a satellite receiver without the need to provide different local channel information for

Art Unit: 2611

different local areas and without the need to enter an information for localizing the video system, the Examiner points out that Applicant is arguing based on the contents of the Specification and not the claim language as presented.

4. Regarding Applicant's argument that the use of channel identifying information in Stinebruner is no inherent because the channel identifying information is optional or that Stinebruner does not describe where the information come from, the Examiner points out that in a particular embodiment of Stinebruner, it is contemplated that channel identifying information is embedded in the satellite television programming as stated above. Therefore, in order to execute that particular embodiment as described by Stinebruner, the stated limitations must be present. That is, in order to receive and store in a channel map channel identifying information received over a television signal from a satellite receiver as stated above, there must be a means of detection of the information. Further, in this embodiment, Stinebruner discloses that the information is encoded within the video stream over a satellite signal as stated above. This precludes the possibility of the user being forced to manually enter the information as suggested by Applicant.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew R Demicco whose telephone number is (703) 305-8155. The examiner can normally be reached on Mon-Fri, 9am - 5pm.

Art Unit: 2611

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



mrd
December 13, 2004